

# Preliminary Approval

## Given to Construct

### Timbermill Station

*23 Aug 1984*

HEBER CITY—Heber City Planning Commission gave preliminary approval to Timbermill Station, a 27-unit housing development to be located at 6th South and 1st West, pending the approval of ordinances amendments which allow more than one building in the lot.

Amendments were made to the Master Plan of the zoning book which would allow for multiple family dwellings to be constructed on the site of the proposed project. There was also an amendment made which clearly makes it necessary for any project larger than a 4-plex to be held in a public hearing, with public notice being posted in the local paper.

Argument was heard for and against the project and the development code changed. Both sides were represented by attorneys, which used their position to help the council make a decision.

Letters from the citizen's group were received by the City Commission, which clearly defined the concerns of the citizens which live adjacent to the development.

Also received from David Petro, attorney from the office of Young, Harris, and Carter, was a letter which stated that he represented some 40 citizens in the area of the project. Petro stated in writing that the groups was concerned about the development and ended by saying that he hoped the city commission would act on the matter as they best know and the citizens had given him their approval to pursue their legal rights if the plan received approval.

Sheldon Edwards also entered a letter into the minutes which encouraged the fast action so that the development of the project could take place. Mr. Edwards owns the ground on which the project is to be built.

Robert Giles, City Planning Commission member, stated that the land has been referred to as an apartment house, and wanted to clear this by saying that in the definitions of the zoning book, apartment house and multiple dwellings are synonymous in meaning, and that the C-2 zone provides for this by definition.

Joe Tesch, Attorney for the development presented some doc-

umentation for the developer which clarified the matter of whether the developer had any legal right to pursue the preliminary approval which was given in July of 1983. He then also presented the documentation of the citizens group which was used to persuade the council that they could still change its decision on the preliminary approval, and clarified the types of proposals approval which was granted by the cities as were quoted.

The developer submitted for review their environmental study which was presented to Farmers Home Administration, to acquire the loan for such development, in hopes that it might help in their decision. The development study was taken mostly from a comprehensive plan study for Wasatch County.

Mayor Jan Furner was called upon by the City Planning Commission to call some of the developments which the Timbermill Station developers were involved in. All the comment he received was positive. "I didn't have any adverse comment on any of them," Mayor Furner reported.

"We have to have action, further tabling would deny the application," said the developer.

"The funds for this project have already been earmarked."

Lou Jackson, Planning Commission Member, pointed out that conversation had implied that the monies had been approved by the federal government, but the plan for a single unit had been snubbed by the government saying, "Don't give them an army barracks."

Jackson pointed out that the citizens will still be paying for subsidized housing, the question is whether they want to receive any of the benefits of the housing money.

Lee Murdock pointed out there are only two alternatives left to the planning commission. The first is to proceed as if preliminary approval had been given, and work with the developer in creating an asset to the community; and second, object to the development based on the ordinances.

As chairman for the commission, he expressed his concern of whether or not the project, being the size that it is (27-units) is

orderly. Lee stated that the Heber Valley area is a rural community, a suds-farm life is its character. "That to me is its redeeming value."

Murdock stated that a government subsidized 27-unit complex just doesn't add to that form of lifestyle or quality. "My opinion is that its disproportionate in size to the city's needs."

Robert Giles differed with the opinion saying that the hope of many of the community members is that growth does come to the area so that there are more opportunities for business, employment and an improvement in the situation of life here in the valley.

Jackson stated that the rules and ordinances of the Master Plan are designed to make the city grow in an orderly manner, and that if we, meaning the people of the city don't feel that it is giving orderly development, that the master plan should be changed to do so.

"This development has been designed according to the rules and laws, as we set them, and therefore is orderly," concluded Jackson.

"Who is going to take the responsibility? That's why we need to go back to what is in print and see if it meets the ordinances and intent," Jackson stated. "This commission has to determine whether it's right or wrong. This is going to be the hard thing to determine the intent."

"We can't say now that we have ours, you can't have yours," Jackson said. "Eventually we have to make a decision, and the way I see it, we're damned if we do or damned if we don't."

The City Commission then made their amendments to the master plan and gave their preliminary approval to the site, pending the changes were accepted by the City Council. The commission also agreed to write a letter on behalf of the developer to the FmHA saying that the developer was heading in the right direction.

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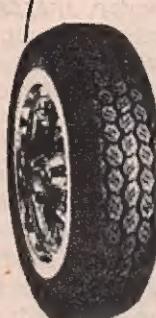
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